

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BEATRICE HUDSON,)	
)	8:06cv563
Plaintiff,)	
)	MEMORANDUM AND ORDER
vs.)	
)	
CITY OF OMAHA,)	
)	
Defendant.)	

This matter is before the court on filing no. 2, the Motion for Leave to Proceed In Forma Pauperis ("IFP") filed by for the plaintiff, Beatrice Hudson. This is the twenty-third case filed in forma pauperis ("IFP") by the plaintiff in a period of fewer than two years. The plaintiff's cases all have alleged racism, racial profiling, conspiracy, discrimination, and retaliation by such defendants as the City of Omaha, the Omaha Police Department, the Omaha public library, the Omaha public schools, the Douglas County courts, the Douglas County Sheriff, a federal judge, the Nebraska Equal Opportunity Commission, former employers, former landlords, and many others. Taking judicial notice of the court's records, the plaintiff is inclined to engage in altercations with others, sometimes physical, which she then follows up with litigation. The plaintiff has prevailed in none of her cases, and many have been dismissed as frivolous. The plaintiff is abusing the IFP statute.

In this case, the plaintiff, for the eighth or ninth time, alleges claims against the City of Omaha. However, the plaintiff already has a similar civil rights case pending against the City of Omaha based on accusations of racism, discrimination, etc. See Case No. 8:06cv425, Hudson v. City of Omaha, filed June 9, 2006. The court granted the plaintiff's motion to proceed IFP in that case. However, "plaintiffs have no right to maintain two actions on the same subject in the same court, against the same defendant[s] at the same time." Curtis v. Citibank, N.A., 226 F.3d 133, 138-39 (2d Cir. 2000).

Therefore, filing no. 2, the plaintiff's Motion for Leave to Proceed In Forma Pauperis ("IFP"), is denied. The plaintiff shall have until September 15, 2006 to pay the \$350 filing fee in this matter. If the plaintiff fails to pay the filing fee by September 15, 2006, this case

will subject to dismissal for failure to prosecute.¹

THEREFORE, IT IS ORDERED:

1. That filing no. 2, the plaintiff's Motion for Leave to Proceed In Forma Pauperis, is denied;

2. That the plaintiff shall have until September 15, 2006 to pay the court's \$350 filing fee; one short extension, but no more, may be granted upon a timely written motion;

3. That in the absence of timely payment of the filing fee, this action may be subject, without further notice, to dismissal without prejudice for failure to prosecute; see NECivR 41.1.

August 29, 2006.

BY THE COURT:

s/ Richard G. Kopf
United States District Judge

¹See NECivR 41.1, which states in pertinent part: "At any time when it appears that any action is not being prosecuted with reasonable diligence the court may dismiss it for lack of prosecution."

Even if the plaintiff pays the filing fee, there is no guarantee that the case will be safe from dismissal on other grounds once the defendant enters an appearance and moves to dismiss the complaint or asserts affirmative defenses.